

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FEDERAL NATIONAL MORTGAGE  
ASSOCIATION, a/k/a FANNIE MAE,

Plaintiff,

v.

NICOLAS PORTILLO, *et al.*,

Defendants.

No. C 12-949 SI

**ORDER TO SHOW CAUSE WHY CASE  
SHOULD NOT BE REMANDED TO  
STATE COURT BECAUSE OF LACK OF  
FEDERAL JURISDICTION**

On February 24, 2012, *pro se* defendant Nicolas Portillo removed this unlawful detainer action from state court. From the face of the complaint, this Court lacks jurisdiction. Under the well-pleaded complaint rule, the basis for removal jurisdiction must be evident from the complaint. *See Franchise Tax Bd. of California v. Construction Laborers Vacation Trust for So. California*, 463 U.S. 1, 9-12 (1983). There are no federal claims alleged in the complaint. Where there is no federal question jurisdiction, an action is not removable on the basis of diversity of citizenship if the defendant is a citizen of the state in which the action was brought. *See* 28 U.S.C. § 1441(a), (b). Here, defendants appear to be California residents, and thus removal is improper.

Accordingly, **defendant Portillo is ORDERED TO SHOW CAUSE in writing to be filed no later than March 7, 2012 why this case should not be remanded to the Superior Court for the County of Sonoma.** If defendant asserts that removal was proper and this Court has jurisdiction, defendant must specifically identify the basis for jurisdiction.

**IT IS SO ORDERED.**

Dated: February 27, 2012



SUSAN ILLSTON  
United States District Judge